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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney of Record Richard P. Ferrara on 12/22/09.

The application has been amended as follows:

Claims 47 and 48 have been cancelled.

Allowable Subject Matter

Claims 25-26,31-46 and 49-52 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record either taken singularly or in combination fails to disclose the invention as claimed. In particular, reference to Tomoichi's (JP 2001-280888) and Anderson's 484 are the closest prior art but fails to disclose that the inlet nozzle and the outlet nozzle are formed by a respective hole, which extends through each of the second heat exchange plates (claim 25) and each of the second heat exchanger plate includes a lower surface area, which extends around the first port hole between the first porthole and the upper surface area, wherein the lower surface area is located at the level of the lower plate plane, wherein the hole of the inlet nozzle extends through the lower surface area (claim 49) in combination with other limitations of the claims.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tho v Duong/
Primary Examiner, Art Unit 3744